

REMARKS

The Office Action dated May 31, 2007 has been received and its contents carefully noted. In view thereof, the specification has been amended as suggested by the Examiner. As previously, claims 29-40 are presently pending in the instant application.

With regard to acknowledgement of Applicants' Claim for Priority at page 2 of the Office Action, Applicants concurrently submit herewith a Verified English-language translation of JP 2002-381309. In addition, Applicants concurrently submit herewith a Verified English-language translation of PCT/JP2003/016415. Accordingly, Applicants respectfully assert that submission of the verified translations perfect Applicants' claim for and benefit of foreign priority under 35 U.S.C. § 119(a)-(d).

With regard to acknowledgement of various Information Disclosure Statements filed in the present application, Applicants filed an Information Disclosure Statement on July 23, 2007 and included English-language Abstracts or partial translations for each of the five (5) Japanese references cited therein. With respect to the one reference that was incorrectly cited with the Information Disclosure Statement filed on November 28, 2006, Applicants have re-cited US 7,023,114 to Takagi et al. in the most recently filed Information Disclosure Statement. Applicants respectfully request consideration of each of the cited references and return of an Examiner-initialed copy of the corrected PTO-1449, attached hereto, in the next Communication from the Office.

With regard to the Drawing Objections, at page 3 of the Office Action, Applicants concurrently submit herewith a Submission of Substitute Formal Drawings. In the Submission, FIGs. 13(a)-(c), 14(a), and 14(b) have been amend to include the legend "Prior Art." Accordingly, Applicants respectfully request that the substitute drawings be approved and that the Drawing Objections be withdrawn.

With regard to the Specification Objections, at page 3 of the Office Action, Applicants have amended the Specification to remove reference to specific claim numbers recited in paragraphs [0012] through [0048], and corrected the minor typographical error of paragraph [0061]. With regard to reference numbers not present in the Specification for the claimed elements and the alleged discrepancy between the claim language and the Specification, Applicants have amended the claims to be commensurate with the Specification. Accordingly, Applicants respectfully request that the objections to the Specification be withdrawn.

With reference to page 4 of the Office Action, claims 30-33 and 36-39 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed in that Applicants specification and drawings as originally filed, clearly provide support for the invention as claimed.

Specifically, with reference to claim 30, this claim recites that parts of the pair of attachment faces are positioned closer to the eccentric weight side than a center of gravity of the vibration motor itself. Clearly, as depicted in at least Figs. 3 and 4 as originally filed, the attachment faces which extend along an entire length of the housing include at least a portion which is closer to the eccentric weight side than a center of the gravity of the vibration motor itself. That is, a center of gravity of the vibration motor itself would certainly be positioned away from the end face of the housing. Consequently, since the attachment faces extend the length of the housing, parts of the pair of attachment faces are clearly positioned closer to the eccentric weight than a center of gravity of the vibration motor itself. This feature being clearly illustrated in Attachment B illustrating Fig. 3 as annotated.

With respect to claim 31, again reference is made to Attachment B and particularly an enlarged version of Fig. 5 which clearly illustrates support for Applicants' claimed invention. That is, therein a distance between a center point Q^* of a line L^* connecting the two points $P1^*$ and $P2^*$ and a point R^* where a diametrical line of the circular orbit passing through the center point intersects the circular orbit in a normal direction at a plane including the pair of attached faces is at least the radius r^* of the circular orbit and not more than the sum of the radius r^* and the thickness t^* of the board 50. More specifically, the radius is less than or equal to the height h^* which is less than the radius plus the thickness of the board. Accordingly, it is respectfully submitted that claim 31 as well as claim 37 are clearly supported by Applicants' specification and several figures as originally filed.

Similarly, with respect to claims 32 and 38, again as noted in Attachment B, and particularly that illustrated in Fig. 4, the motor body has an end cap for closing an opening of the motor case and a pair of external connecting terminal pieces 4A, 4B attached to the end cap, the attaching means 33 having a pair of legs straddling the motor case 3 in its thickness direction, a leg connecting part which would be considered a portion of the housing spanning the legs connecting the pair of legs on the motor case, and feet formed at the bottom of the legs and the attachment faces are the back faces of the feet. Accordingly, it is respectfully submitted that Applicants' specification and figures as originally filed support claims 32 and 38 as well.

Therefore, it is respectfully submitted that Applicants' claimed invention as set forth in claims 30-33 and 36-39 comply with the written description requirement and are adequately supported by Applicants' specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

With reference to paragraph 9 of the Office Action, claims 30, 32, 38 and 40 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is likewise respectfully traversed in that claims 30, 32, 38 and 40 are definite and particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Initially, it should be noted that claims 30 and 32 are claims 2 and 6 of U.S. Patent No. 7,023,114 and have been examined and allowed by the U.S. Patent and Trademark Office. Similarly, claims 38 and 40 recite subject matter substantially identical to that of claims 30 and 32 and are likewise believed to be in proper condition for allowance.

As to claim 30, the Examiner states that the recitation “parts of said pair of attachment faces are positioned closer to said eccentric weight side than a center of gravity of said vibration motor itself” is not idiomatic and is vague and indefinite. Again, this language is copied from U.S. Patent No. 7,023,114 and it is further believed that this language clearly positions parts of the pair of attachment faces closer to the eccentric weight side than the center of gravity of the vibration motor. Again, reference is made to Attachment B and particularly Fig. 3 thereof.

As to claims 32 and 38, the Examiner is of the position that “thickness direction” is not idiomatic and it is further not clear how the “legs” of the attaching means relates to “attaching faces” of claim 29 and 35 respectively. In this regard, it is noted once again that claim 32 has been examined and allowed in U.S. Patent No. 7,023,114. Moreover, the thickness direction would be that direction substantially perpendicular to a length of the motor housing. Further, the legs as recited in claim 32 and the attaching faces recited in

claims 29 and 35 are the contact surfaces of the legs 33. Accordingly, it is respectfully submitted that claims 32 and 38 are in proper formal condition for allowance.

With respect to claim 40, again the attachment faces which correspond to the attachment means of claims 35 would be the surfaces of the rails which contacts the circuit board. This Applicant respectfully submits that this feature is readily apparent from Applicants' several figures and particularly those set forth in Attachments A and B.

Turning now to paragraph 11 of the Office Action, claims 29, 34, 35 and 40 have been rejected under 35 U.S.C. §102(a/e) as being anticipated by U.S. Patent No. 4,786,889 issued to Sei et al. This rejection is respectfully traversed in that the patent to Sei et al. neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

Again, it is to be noted that claims 29-34 are identical to claims 1, 2, 4, 6, 7 and 18 of U.S. Patent No. 7,023,114 issued by the U.S. Patent and Trademark Office. Furthermore, independent claim 29 recites a vibration motor comprising a motor body, a motor shaft projecting from the motor body, and eccentric weight attached to the motor shaft, and an attaching means for supporting said motor body in a horizontal prone posture at one surface of a board, wherein the attaching means has a pair of attachment faces strattling said motor shaft and extending in parallel with the same at the two sides of the motor case and a plane including the pair of attachment faces intersects with a circular orbit of the outermost point of eccentric weight at two points. Clearly, this is not the case with respect to the teachings of Sei et al.

In rejecting Applicants' claimed invention, the Examiner states that Sei et al. teaches a vibration motor comprised of a motor body, a motor shaft projecting from a motor body, an eccentric weight attached to the motor shaft and an attaching means for supporting the motor

body in a horizontal prone posture at one surface of a board, wherein the attaching means has a pair of attachment faces strattling the motor shaft and extending in parallel with the same at two sides of the motor case and a plane including the pair of attachment faces 8 intersects with a circular orbit of the outermost point of the eccentric weight 5 at two points. While the Examiner states that a plane passing through shock absorbers 8 inherently intersects with a certain orbit of the outermost point of the eccentric 5 at two points on the plane since the eccentric 5 including its outermost point rotates through the plane, perpendicularly to it, as seen in Figs. 1 and 2 and thus intersects with the plane at two points, this assertion does not appear to be supported by Figs. 1 and 2. That is, while the Examiner states that the attaching means includes a pair of attachment faces (shock absorbers 8) strattling the motor shaft, such a shock absorber does not appear to include attachment faces. That is, the shock absorber is the entire housing or box illustrated in Fig. 1. The shock absorber includes tabs extending therefrom which are received in the elongated openings formed in the walls of the holder. There are no attachment faces as stated by the Examiner. The shock absorber 8 is supported by way of the plate spring shaped terminal 7 and held in place by way of the shock absorber 32 connected to the case 33. Again, the device of Sei et al. clearly fails to disclose an attaching means which includes a pair of attachment faces which strattle the motor shaft and extend in parallel with two sides of the motor case as recited by Applicants' claimed invention. Furthermore, because the device does not include attachment faces, there can be no attachment faces which intersect with a circular orbit of the outermost point of the eccentric weight at two points as is specifically recited by Applicants' claimed invention. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 29 as well as independent claim 35 which is substantially identical thereto

as well as those claims which depend therefrom clearly distinguish over the teachings of Sei et al. and are in proper condition for allowance.

Turning now to paragraph 13 of the Office Action, claims 30 and 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sei et al. Again, this rejection is respectfully traversed in that the patent to Sei et al. neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

Again, as discussed hereinabove in detail, the patent to Sei et al. clearly fails to disclose or remotely suggest those specific features set forth in each of independent claims 29 and 35. Accordingly, in that claims 30 and 36 depend directly from claims 29 and 35 respectively, it is likewise believed that such claims are in proper condition for allowance.

Further, Applicants wish to acknowledge the Examiner's indication on page 7 of the Office Action that claims 31-33 and 37-39 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, first and second paragraphs set forth in the Office Action and to include all the limitations of the base claim and any intervening claims. In this regard, in view of the foregoing discussion, it is respectfully submitted that independent claims 29 and 35 clearly distinguish over the prior art of record and are in proper condition for allowance. Moreover, it is respectfully submitted that claims 31-33 and 37-39 are likewise allowable and for the reasons discussed hereinabove are in proper formal condition for allowance. Accordingly, it is respectfully requested that these claims again be indicated as being allowable over the prior art of record.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 29-40 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,

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